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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91165449
Party	Plaintiff BOSE CORPORATION BOSE CORPORATION THE MOUNTAIN FRAMINGHAM, MA 017019168
Correspondence Address	CHARLES HIEKEN FISH & RICHARDSON PC 225 FRANKLIN ST BOSTON, MA 02110-2804 brosius@fr.com, escott@fr.com
Submission	Other Motions/Papers
Filer's Name	Amy L. Brosius
Filer's e-mail	brosius@fr.com, escott@fr.com
Signature	/Amy L. Brosius/
Date	10/13/2006
Attachments	bose goldwave objection notice.pdf (3 pages)(91025 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Application Serial No. 78/413,775
For the Mark GOLDWAVE
Published in the Official Gazette on April 12, 2005

Bose Corporation,

Opposer,

v.

GoldWave Incorporated,

Applicant.

Opposition No. 91165449

United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

**BOSE CORPORATION'S OBJECTION TO GOLDWAVE'S NOTICE OF
EXAMINATION OF WITNESS BY WRITTEN QUESTIONS**

Bose Corporation ("Bose") hereby objects to the Notice of Examination of Witness by Written Questions ("Notice") served by GoldWave Incorporated ("Goldwave") on October 10, 2006 where the notice is contrary to the requirements of 37 C.F.R. §§ 2.123(a)(2) and 2.214.

37 C.F.R. § 2.123(a)(2) requires that testimonial depositions taken in a foreign country be taken by deposition upon written questions and 37 C.F.R. § 2.124(b)(1) requires that such depositions be noticed "within ten (10) days from the opening date of the testimony period of the party who serves the notice."

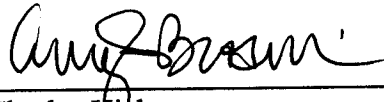
Applicant : GoldWave Incorporated
Serial No. : 78/413775
Filed: : May 5, 2004
Mark : GOLDWAVE
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Attorney's Docket No.: 02103-708PP1

Goldwave's testimony period opened on September 20, 2006. Goldwave's Notice to take the testimonial deposition of its witness in Canada is dated and was filed with the Board on October 10, 2006, and is therefore untimely and improper where it is after the ten (10) day window for serving a notice of deposition on written questions, in contravention of 37 C.F.R. 2.124(b)(1).

Moreover, Bose was never served with the Notice. To date Bose has never received a copy of the Notice from Goldwave. Bose only learned of the existence of the Notice upon seeing Goldwave's filing on the Board's TTABVUE website. The Notice, even if it were properly served on Bose, is deficient in other respects. 37 C.F.R. § 2.124(b)(1) requires that a notice of examination of witnesses include the address of the party to be examined. Goldwave's Notice does not state the address of Mr. Craig. Also, 37 C.F.R. § 2.124(d)(1) requires that every notice of deposition upon written questions be served on the adverse party together with a copy of the written questions to be propounded. Bose has not received a copy of the written questions to be propounded which should have been served under this rule.

Respectfully submitted,



Charles Hieken
Amy L. Brosius
FISH & RICHARDSON P.C.
225 Franklin Street
Boston, MA 02110
Telephone: (617) 542-5070
Facsimile: (617) 542-8906

Attorneys for Opposer,
BOSE CORPORATION

Date: October 13, 2006

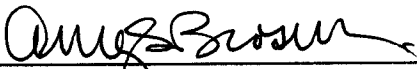
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing BOSE CORPORATION'S OBJECTION TO GOLDWAVE'S NOTICE OF EXAMINATION OF WITNESS BY WRITTEN QUESTIONS has this 31st day of October 2006 been mailed by prepaid first class mail to the below-identified Attorney at his/her place of business:

Ms. Mylene Dao
Flansberry, Menard & Associates
506 Kent Street
Ottawa, Ontario
K2P 2B9
CANADA



Amy L. Brosius